

### REMARKS

Reconsideration is courteously requested.

As a preliminary matter, the drawings and specification have been amended for the sake of clarity. More particularly, FIG. 7 now includes the correct and uniform reference of the positioning rod of the apparatus vis-a-vis reference numeral 97; and, the first full paragraph of page 6 of the specification, as filed, presently deletes a redundant phrase, namely "of the pan 11."

With regard to the claims, claims 1, 2, 4, 6, 9, 11, 12, 18-20, and 22 have been amended for the sake of clarity; claims 8, 15-17, 21, and 23-25 have been canceled, without prejudice; and, new claims 26-35 added. As will be discussed herein below, as none of the references of record show, or fairly suggest, one or more of Applicants' features in a bending apparatus, it is respectfully submitted that all claims are patentably distinct therefrom. Furthermore, as the clarifying amendment of claim 1 obviates the objection to claims 1-25 (see DETAILED ACTION, p. 2), all claims are in condition for allowance.

### Applicants' Claimed Subject Matter

All claims, either amended for the sake of clarity, or newly added, emphasize Applicants' feature of mobile followers or guides (i.e., non-driven elements) for engagement with the architecture element in a bending apparatus. As to the independent claims, claim 1 requires, among other things, the followers to be free for

axially sliding upon a shaft during or in the course of the bending operation; new independent claim 26 requires the followers to be axially translatable upon a shaft during bending of a tapered architectural panel in response to the taper thereof; and, new independent claim 35 requires the follower to be free to slide upon a shaft during bending of the architectural element.

**Hoell, Frey, Young & Diescher**

In contradistinction to Applicants' claimed subject matter, neither Hoell, Frey, Young or Diescher show, or fairly suggest, a non-driven guide member which is dimensionally responsive to the architectural element during the bending operation, let alone such feature in the totality of Applicants' claimed subject matter. We note, at page 3 of the Detailed Action, and with respect to claims 13, 14, 16-25 as originally filed, the following: "Frey does not show that the followers can be adjustable along their respective axes. This is a feature that is known as evidenced by Diescher so as to accommodate different size panels."

The arrangement of Diescher, FIG. 12, includes a roll 10 selectively affixable to a shaft 3, along the length of longitudinal groove 11 therein, via an assemblage of not insubstantial hardware (see sheet 1, beginning at line 81 through sheet 2 line 26). In as much as Diescher teaches an element for variable, selective **fixation** upon a shaft to facilitate adjustments from one work piece configuration to another, such arrangement is

hardly that of Applicants. Furthermore, it is respectfully submitted that the suggested combination, assuming arguendo that such a "frankenstein" of various pieces and parts in fact shows all claimed features, is improper as Frey already includes an arrangement to facilitate receipt of differently configured work pieces from one bending operation to the next (see FIG. 4 wherein the work piece is shown traversing roll 850B, whereas an alternately configured work piece could be received upon 850C, etc., note 6:53-61). There exists no motivation for the inclusion (i.e., substitution) of Diescher's arrangement in Frey for performing a function preexisting in the base teaching.

**New Claims 26-35**

Beyond the aforementioned basis of allowance, several further features of Applicants' claimed subject matter are noteworthy, for instance: followers which are variably configurable for receipt of an edge of a tapered architectural panel (claim 28); followers of two part selective construction (i.e., union) whereby an edge receiving channel is defined (claim 29); and, follower positioning means for engaging followers in furtherance of synchronous response of the followers to the positioning means (claim 32). As these features are likewise absent from the references of record, it is respectfully submitted that new claims 26-35 are in condition for allowance.

CONCLUSION

For the reasons above, it is respectfully submitted that the subject case, including newly added claims, is in condition for allowance. Early reconsideration and favorable action are solicited.

Please charge any deficiencies or credit any over payment to Deposit Account 14-0620.

Respectfully submitted,

Percy Greenberg et al.

By their attorney

Date

7/23/04

  
Richard C. Stempkowski, Jr.

Reg. No. 45,130

NAWROCKI, ROONEY & SIVERTSON, P.A.

Suite 401, Broadway Place East

3433 Broadway St. N.E.

Minneapolis, MN 55413

(612) 331-1464